



September 22, 2009

Ralph Svetich
Department of Water Resources
Sacramento, CA 94246
Sent via electronic mail

Re: Region Acceptance Process Draft Recommendations

Dear Mr. Svetich:

As a nonprofit organization that has actively participated in several of the Integrated Regional Water Management (IRWM) planning groups in the Tulare Lake Basin region, we appreciate this opportunity to comment on the Region Acceptance Process (RAP) Draft Recommendations.

The Community Water Center is a non-profit organization dedicated to ensuring that disadvantaged communities have access to safe, clean and affordable drinking water. We work directly with many severely disadvantaged communities throughout the southern San Joaquin Valley to help ensure they can access safe sources of water, as well as access funding for basic drinking water infrastructure, among other drinking water challenges. In the context of the Integrated Regional Water Management (IRWM) program, we feel it is vital that disadvantaged community water needs are included equally with other water needs. However, those needs can only be represented adequately if disadvantaged community water systems have the right to participate fully in the IRWM planning process, regardless of their ability to contribute financially to the plan.

We regularly participate in the meetings of the Upper Kings Basin Water Forum, the Poso Creek Regional Water Management Group, and the Kaweah River Basin Regional Water Management Group; we also monitor the work of the Tule River Regional Water Management Group, the Kern County Regional Management Group, and the Tulare Lake Basin Joint Powers Authority. Based on our participation in these planning efforts, we would like to provide the following comments on the RAP Draft Recommendations.

In particular, our concerns are as follows:



1. Need for Guidelines on Implementation of the RAP Recommendations

As currently written, the RAP Draft Recommendations lack some clarity and detail with respect to two key issues: consolidation and eligibility for particular rounds of funding. We hope that the Department will revise the draft recommendations to provide more detailed and specific guidance to each region, and that the Department will continue to provide such guidance beyond the RAP as regions prepare to implement the final recommendations and update their plans to comply with Proposition 84. In particular, we hope that the Department will provide guidance to each region on the ways that they can improve their efforts to include DACs and to address water quality issues.

While we do not oppose the Department's decision to require that certain regions within the Tulare Lake Basin funding region consolidate with each other, we are concerned that it will be difficult to achieve such consolidation successfully without further guidance and support from the Department. In particular, we recommend that the Department issue guidelines for consolidation between regions to assist those that will be required to do so under the RAP recommendations in negotiating such a transition. Such guidelines would ideally define consolidation, state the timeline during which consolidation must take place, set some ground rules for negotiations between merging regions, and provide clarity on the Department's goals for consolidation. Additionally, we suggest that the Department provide some technical assistance or facilitation for regions that are required to consolidate in order to ensure that this process happens smoothly and in a way that does not undermine the progress that has already been made in improved regional cooperation throughout the history of the IRWM program.

With respect to the second point, we hope that the Department will revise the Draft Recommendations to clarify which regions are eligible to apply for upcoming funding rounds. As currently drafted, the recommendations for some regions that have been conditionally approved contain specific statements as to funding eligibility while others do not, which has already generated some confusion and concern. We recommend that every region be given a clear statement as to its eligibility for particular rounds of funding and what steps it must undertake to improve its eligibility. We also hope that the Department, in doing so, will clarify the applicable timeline for making these changes and whether these changes will be part of a region's efforts to comply with the new Proposition 84 requirements.



2. Disadvantaged Community Inclusion and Participation

While we understand that the RAP Draft Recommendations are primarily designed to address boundary issues and funding eligibility, we hope that the Department will continue to work with individual regions to ensure that disadvantaged communities (DACs) within their planning areas are fully included and able to participate meaningfully in the region's planning efforts, and to ensure that water quality issues are addressed. We hope that the Department will ensure that each region has drawn its boundaries to include DACs and that the region is undertaking outreach to DACs in its planning area. Finally, we also hope that the Department will encourage each region to provide technical assistance to its member DACs to address their water issues and engage them in regional planning efforts and development of multiple benefit projects.

We believe that IRWM efforts can only be considered "regional" processes when they engage stakeholders, particularly DACs, in a substantive and meaningful fashion. At this point in time, very few disadvantaged communities, particularly public drinking water and wastewater agencies in unincorporated areas, participate in IRWMP efforts, and we hope that the Department will work with each region to conduct outreach and facilitate DAC participation in their efforts. Such improved stakeholder engagement and outreach efforts will help each region achieve the collaborative involvement of multiple stakeholders required by Proposition 84. Another important consideration in ensuring the completeness of the region is the inclusion of areas that are not currently within any IRWMP boundaries. We hope that the Department will encourage each region to include areas just outside of their planning area that are not yet part of any IRWMP in their outreach strategy to ensure that DACs are deliberately included rather than excluded.

We also encourage the Department to work with each region to develop mechanisms to provide technical and financial assistance to the disadvantaged community water agencies in their planning area. The RAP Guidelines indicate that a successful IRWM region "is inclusive and utilizes a collaborative, multi-stakeholder process that provides mechanisms to assist disadvantaged communities; address water management issues; and develop integrated, multi-benefit, regional solutions that incorporate environmental stewardship to implement the IRWM plan." RAP Guidelines at 3. Unincorporated communities are particularly in need of technical and financial assistance, because they lack the resources to develop project proposals and thereby often miss out on much-needed funding opportunities. We hope that the Department will work with each region to transform the existing barriers to disadvantaged community participation into the assistance called for by the RAP Guidelines.



3. Prioritize the Release of Proposition 84 Guidelines and Planning Grants

We welcome the Department's announcement that it will release Proposition 84 guidelines and IRWMP standards within the next year, and that conditionally approved regions will be eligible for planning grants. We believe that these developments will be very important in ensuring that the regions are able to achieve the goals of the program and develop truly inclusive planning efforts that will generate multiple benefit projects that address the needs of a diverse group of stakeholders, including DACs.

In particular, we hope that the Proposition 84 guidelines and IRWMP standards will state clearly that the Department will not accept any governance structure that requires a stakeholder to contribute financially in order to be able to participate. We encourage the Department to reaffirm the requirement that stakeholders, particularly DACs, be able to participate fully in a region's planning efforts, "regardless of their ability to contribute financially to the plan." Cal. Water Code § 10541(h)(2). We also encourage the Department to clarify that full participation includes the ability to propose projects, participate in the project selection process, and assist in the development of project selection criteria.

With respect to the next round of planning grants, we appreciate the Department's commitment to determining the best use of those planning grant funds that are earmarked specifically to support DAC participation in IRWM planning efforts. We hope that the Department will encourage those regions that need assistance in this area to apply for these planning grants and to ensure that the funds are used to remove barriers to DAC participation. Our organization is committed to the success of this effort, and we are interested in working with the Department in designing an effective program for improving DAC participation.

Conclusion

Thank you for this opportunity to submit comments regarding the RAP Draft Recommendations. We hope that by bringing these issues to your attention, you will work to ensure that each region includes DACs in their planning efforts and that water quality issues are addressed.

As we mentioned above, we will continue to work with the IRWMP efforts in our region to make this happen, and we appreciate the Department's commitment to these principles



and clarity in your discussion with each region. Please call us if there are any questions on this letter or our experiences and perspective on this process.

Best regards,

Britton Schwartz
Legal Consultant
Community Water Center